

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EIGHT MILLION FIVE HUNDRED
SIXTY THOUSAND NINE HUNDRED
TWENTY (8,560,920) ASSORTED
BRANDS OF CIGARETTES,

and

\$777,664.99 FUNDS FROM CENTRAL
VALLEY BANK ACCOUNT #:
XXXX0198,

Defendants.

CV-03-0255-RHW

Final Order of Forfeiture

Plaintiff, United States of America, alleged in a Verified Complaint for Forfeiture In Rem, that the defendant property is subject to forfeiture to the United States pursuant to 18 U.S.C. § 924(d)(1).

The Court has jurisdiction over this matter by virtue of 28 U.S.C. §§ 1345 and 1355. Venue is proper pursuant to 28 U.S.C. § 1395.

The defendant property consists of the property listed as follows:

Eight million five hundred sixty thousand nine hundred twenty (8,560,920) assorted brands of cigarettes (more particularly described in Exhibit A attached to the Complaint for Forfeiture In Rem filed with the Court);
and,

\$777,664.99 funds from Central Valley Bank Account #:XXXX0198.

On July 23, 2003, John Hunter and Judy Hunter d/b/a Lil' Brown Smoke Shack, were served via certified mail with copies of the Verified Complaint for Forfeiture In

1 Rem and Notice of Complaint for Forfeiture in the above-entitled case, as evidenced
2 by the Certificate of Service of Notice by Mail filed in this case with the Court on July
3 23, 2003.

4 The Notice of Complaint was published on September 26, and October 3, and
5 10, 2003, in The Spokesman Review, a newspaper of general circulation in Spokane
6 County, Washington. Rule C of the Supplemental Rules for Certain Admiralty and
7 Maritime Claims, Fed. R. Civ. P., and 18 U.S.C. § 983(a)(4)(A), require that claimants
8 file a claim within thirty (30) days after final date of publication of the Notice of
9 Complaint for Forfeiture, or within thirty (30) days after service of the complaint,
10 whichever occurs first. At the latest this 30-day period expired on November 10,
11 2003.

12 On August 13, 2003, pursuant to a stipulation signed by the parties, the Court
13 entered an Order Allowing Interlocutory Sale of the defendant cigarettes. On January
14 21, 2004, the cigarettes were sold. The forfeiture action continued against the gross
15 sales proceeds in the amount of \$196,771.92.

16 On August 21, 2003, Lil' Brown Smoke Shack, and John and Judy Hunter filed
17 an answer.

18 On August 22, 2003, Lil' Brown Smoke Shack, and John and Judy Hunter, filed
19 a claim.

20 No other claims were filed on the Defendant property.

21 On April 21, 2005, Plaintiff, the United States and Claimants, John W. Hunter
22 and Judy Hunter, husband and wife, d/b/a Lil' Brown Smoke Shack, Inc., entered into
23 a Stipulation for Order of Forfeiture in this case.

24 It appearing to the Court that the interests of Claimants have been resolved by
25 the entry of the Stipulation for Order of Forfeiture;

26 It further appearing to the Court that no other claims have been made to the
27 defendant property;

1 IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the
2 property listed below is forfeited to the United States of America and no right, title,
3 or interest shall exist in any other person.

4 \$196,771.92 in gross sales proceeds from the stipulated
5 interlocutory sale of eight million five hundred sixty
6 thousand nine hundred twenty (8,560,920) assorted brands
7 of cigarettes (more particularly described in Exhibit A
8 attached to the Complaint for Forfeiture In Rem filed with
9 the Court);
10 and,

11 \$777,664.99 funds from Central Valley Bank Account
12 #:XXXX0198.

13 IT IS FURTHER ORDERED that the forfeited property shall be disposed of in
14 accordance with law by the United States.

15 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
16 Order, forward copies to counsel, and **close the file.**

17 **DATED** this 23rd day of May, 2005.

18 s/ ROBERT H. WHALEY
19 UNITED STATES DISTRICT JUDGE
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